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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN, CHI Q

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/985,673

Applicant(s)

MOYES, HARTLEY

Examiner

Chi Q Nguyen

Art Unit

3635



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18-20 and 23-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-20 and 23-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 18-20 and 23-30 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 6,312,540. Although the conflicting claims are not identical, they are not patentably distinct from each other because the scope of the patented claims appears to be the same as the application claims. Specifically, the patent claims 1-18 recite the obvious method of forming the structure set forth in application claims 18-20 and 23-30.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18-20, 23-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thorn (US 4,550,540) in view of Klasell (5,439,749).

In regard claims 18, 19, Thorn teaches compression molded door assembly comprising a door frame 23, first, second molded door panel or skins 21, 22, are attached to the door frame 23 so as to define a hollow core area therebetween. Thorn does not teach expressly the molded skin door has bond strength of at least about 2.0 and 2.5N/mm<sup>2</sup>, respectively. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have the specifically range for the bonding strength, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. The motivation for doing so would have been to provide enough strength for the bonding molded door panels without fall apart when in use.

In regard claim 20, Thorn further teaches each of the skins 21,22 is compression molded sheet molding compound (SMC) panel, which includes 15-4-% fibrous glass reinforcement, 10-40% insert mineral filler, by weight, in the molding resin, unsaturated polyester polymers blended with vinyl monomer such as styrene are molding resins that may be cured under heat and pressure to form the thermoset compression molded skins (col. 2, lines 35-50). Thorn does not teach expressly the molded door skin formed by pressing a loose bat or mat into a flat door blank having a density of at least about 550kg/m<sup>3</sup> or constant density. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have the specific density for the door skins of at least about 550kg/m<sup>3</sup>, since it has been held that discovering an optimum value of

a result effective variable involves only routine skill in the art. The motivation for doing so would have been to provide more accurate control of the bonding strength.

Furthermore, the method of forming the door skin, specifically, pressing a loose bat or mat into a flat door blank, moisturizing, heating, and reforming in a press is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

In regard claims 18-20, Thorn teaches the structural elements for the door except for the skins being a molded wood composite door skin. Klasell teaches composite wood structure for door 11 with a doorframe 13. The door 11 is comprises by composite wood structure (see abstract, figs. 1, and 3, col. 5). At the time of the invention, it would have been obvious to one of ordinary skill in the art to substitute Thorn's door panels or skins for the composite wood skins from Klasell. The motivation for doing so would have been to minimize the material costs.

In regards to claims 23, 24, 29, and 30, Thorn teaches the outer skin layer may be stained with a wood stain or with topcoat, such as a clear urethane or acrylic topcoat thus give the skins moisture impervious barrier and a pleasing appearance (col. 3, lines 60-65). And in regard claims 25-28, Thorn teaches each of the skins 21, 22 having inner side 28, a random texture 29, outer side 26 having contoured portion (figs. 1-6) includes an integral angled offset portion having different thickness.

### ***Response to Arguments***

Applicant's arguments with respect to claims 18-20, and 23-30 have been considered but are moot in view of the new ground(s) of rejection.

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**Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (703) 605-1224, Mon-Thu (7:00-5:30), Fridays off or examiner's supervisor, Carl Friedman can be reached at (703) 308-0839. The fax number for the organization where this application or proceeding assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-

1113.

CQN

12/22/04

  
Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600